

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1615 of 1990

with

SPECIAL CIVIL APPLICATIONS NO.1616/90, 1618/90, 1619/90,  
1620/90, 6686/90 to 6692/90, 4859/90 to 4864/90, 6671/90  
to 6685/90.

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN

and

MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No
3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No
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PARAMJI ODHA

Versus

DISTRIST DEVP. OFFICER

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Appearance:

Mr. Sheth for MR GM AMIN for Petitioners in all the Special Civil Applications.

Mr. M.A.Bukhari, A.G.P. for respondent no.2 in Special Civil Applications no.1615/90, 1616/90, 1618/90, 1619/90, 1620/90, 6686/90 to 6692/90, 4859/90 to 4863/90.

Mr. U.A.Trivedi, A.G.P. for respondents no.2 in Special Civil Applications no.4864/90, 6671/90 to 6685/90.

Respondent no.1 served in all the petitions.

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and

MR.JUSTICE J.M.PANCHAL

Date of decision: 15/04/98

ORAL JUDGEMENT

(Per: Balakrishnan,J.)

The petitioners, in these Special Civil Applications, are residents of villages Shahpur, Ankewadia and Polarpur, of Dhandhuka Taluka. They are holding lands in those villages. It is alleged that in 1982, there was proposal to form two village roads - one road is Polarpur-Shahpur road and the other is Navada Bharwada-Hebatpur road. It is alleged that the lands belonging to these petitioners were taken for the purpose of formation of these two village roads. The grievance of the petitioners is that thereafter the authorities did not take any proceedings so as to pass award under the Land Acquisition Act and these petitioners were denied compensation. In these Special Civil Applications, they have prayed that the respondents be directed to complete proceedings under the Land Acquisition Act and pay compensation to the petitioners.

2. We have heard the petitioners' learned Counsel and the learned Assistant Government Pleader. It is submitted by the learned A.G.P. that as regards Polarpur-Shahpur road, a proposal was received from the Office of the District Development Officer, Ahmedabad District Panchayat on 27.3.1997 and the Deputy Collector has been instructed on 21.6.1997 to take appropriate proceedings. As regards Navada-Hebatpur road, similar proposal was received on 27.2.1997 and the Addl. Special Land Acquisition Officer attached to the Housing Board has been addressed a letter on 31.3.1997 to take immediate steps. It is an admitted position that so far no notification has been issued under section 4(1) of the Land Acquisition Act. The respondents have to issue notification under section 4(1) and also to make declaration under section 6 of the Act.

3. Under the above circumstances, we direct the respondents to take further steps in the matter. For the purpose of formation of Polarpur-Shahpur and Navada Bharwada-Hebatpur roads, section 4 notification is directed to be published preferably on or before 31.7.1998. As the petitioners have conceded that the lands have been taken for public purpose, we hope that

not much delay will take place for declaration of notification under section 6 of the Act and section 6 declaration shall also be made within reasonable time. As the petitioners have conceded that their lands have been taken for formation of roads, Special Land Acquisition Officer can explore possibility of making consent award and on completion of all the proceedings, the petitioners shall be paid the amount of compensation at the earliest and preferably before the end of 1998. Rule is made absolute to that extent, with no order as to costs.

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